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2                                   **ORDINANCE NO. 2013-04**  
3

4                   **AN ORDINANCE OF THE VILLAGE**  
5                   **COMMISSION OF THE VILLAGE OF**  
6                   **BISCAYNE PARK, FLORIDA AMENDING**  
7                   **CHAPTER 12 OF THE VILLAGE OF BISCAYNE**  
8                   **PARK LAND DEVELOPMENT CODE**  
9                   **ENTITLED SIGNS, BY PROVIDING**  
10                  **PERMISSIBLE PLACEMENT OF SIGNS,**  
11                  **TECHNICAL CHANGES; PROVIDING FOR**  
12                  **ORDINANCES IN CONFLICT; REPEALER;**  
13                  **CODIFICATION; SEVERABILITY; EFFECTIVE**  
14                  **DATE**  
15

16               WHEREAS, on April 17, 1990, the Commission of the Village of Biscayne Park passed  
17               and adopted Ordinance No. 256, adopting the Land Development Regulations Code pursuant to  
18               Rule 9J-24 F.A.C., which is codified in Appendix A – Land Development Code of the Biscayne  
19               Park Code of Ordinances (the “Land Development Code”); and

20               WHEREAS, over time, modifications have been periodically adopted by ordinance and  
21               codified in the Land Development Code; and

22               WHEREAS, early in 2008, in an effort to assist its residents in their desires to improve  
23               their properties, in accordance with an updated Land Development Code, the Village  
24               Commission appointed an ad hoc Code Review Committee, charged with review and proposal of  
25               updates to the Land Development Code; and

26               WHEREAS, the Code Review Committee has provided suggested changes to the Land  
27               Development Code, to Chapter 12 entitled “Signs”; and

28               WHEREAS, the Village Commission, after reviewing the changes, receiving public  
29               comment at workshops and careful consideration of this matter, deems it advisable and in the  
30               best interest of the general welfare of the Village of Biscayne Park and its inhabitants to amend

1 the Land Development Code in accordance with Code Review Committee recommendations as  
2 detailed below; now, therefore

3 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as  
4 being true and correct and are hereby made a specific part of this Ordinance upon adoption  
5 hereof.

6  
7 **Section 2.** Section 12.2 of the Land Development Code, entitled "Prohibited and exempt  
8 signs", is hereby amended to read as follows:

9 **Sec. 12.2. Prohibited and exempt signs.**

10 \* \* \*

11  
12 **12.2.3 Permitted signs.**

13 \* \* \*

- 14 (d) *Political signs.* Political signs including window signs are permitted as provided  
15 for in section 12.3 below. ~~Political signs must be no less than five (5) feet from~~  
16 ~~the property line.~~

17  
18 **Section 3.** Section 12.3 of the Land Development Code, entitled "Political signs", is  
19 hereby amended to read as follows:

20 **Sec. 12.3. Political signs.**

21 \* \* \*

22  
23 **12.3.2 Placement signs.** ~~Political signs shall be permitted on private property by the~~  
24 ~~owner or lessee of the property.~~ No more than one (1) election sign per candidate,  
25 measure or issue shall be permitted on any one (1) private property site. Political  
26 signs shall not be located closer than five (5) feet from the edge of the paved  
27 street and no closer than five (5) feet from the adjacent property line. No political  
28 sign shall be permitted on empty lots or vacant residences unless written  
29 permission is received from the owner of said property. No political signs shall be  
30 permitted on public property or in areas which are determined by the Village to  
31 cause a safety hazard or violate the visibility triangle.

32 \* \* \*

33  
34 ~~12.3.7 Setbacks.~~ ~~No sign shall be placed less than five (5) feet from the property line~~  
35 ~~and no sign shall be permitted in an area which is determined by the Village to~~  
36 ~~cause a safety hazard or violate visibility triangles.~~

1 ~~12.3.8~~ 12.3.7 *Headquarters sign.* A candidate for village public office may display one (1) sign  
2 not to exceed sixteen (16) square feet on only one (1) property in Biscayne Park  
3 and designate it as headquarters. Such sign shall conform to the placement  
4 ~~setback~~ requirements of ~~subsection 12.3.7~~ set forth above.  
5

6 **Section 4.** Severability. Should any section, provision, paragraph, sentence, clause of  
7 word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction  
8 to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall  
9 not affect the validity of the remaining portions or applications of this Ordinance.

10 **Section 5.** Codification. It is the intention of the Village Commission of the Village of  
11 Biscayne Park, that the provisions of this Ordinance shall become and made a part of the Code of  
12 Ordinances of the Village of Biscayne Park, Florida, and that the Sections of this Ordinance may be  
13 renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or other  
14 word or phrase in order to accomplish such intention.

15 **Section 6.** Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts  
16 thereof in conflict herewith, are and the same are hereby repealed to the extent of such conflict.

17 **Section 7.** Effective Date. This Ordinance shall become effective immediately upon its  
18 passage and adoption.  
19

20 The foregoing Ordinance was offered by Commissioner Cooper, who moved its adoption. The  
21 motion was seconded by Mayor Jacobs and upon being put to a vote, the vote was as follows:

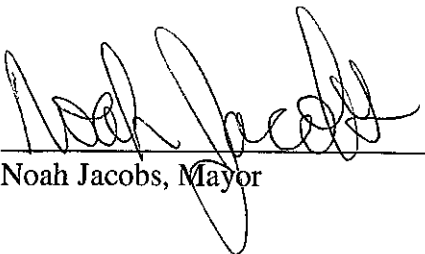
22  
23  
24 PASSED AND ADOPTED upon first reading this 2<sup>nd</sup> day of April, 2013.

25 PASSED AND ADOPTED upon second reading this 6<sup>th</sup> day of August, 2013.  
26  
27  
28

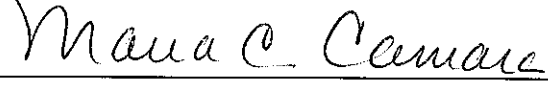
The foregoing ordinance upon being put  
to a vote, the vote was as follows:

Mayor Jacobs: Yes  
Vice Mayor Anderson: No  
Commissioner Cooper: Yes  
Commissioner Ross: No  
Commissioner Watts: Yes

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\_\_\_\_\_  
Noah Jacobs, Mayor

Attest:

  
\_\_\_\_\_  
Maria C. Camara, Village Clerk

Approved as to form:

  
\_\_\_\_\_  
Village Attorney